

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

SIOUX RURAL WATER SYSTEM, INC., a
Non-Profit Corporation

Civ. 15-1023

Plaintiff,

VS.

**CITY OF WATERTOWN, a South Dakota
Municipality, and WATERTOWN
MUNICIPAL UTILITIES, an agency of
the CITY OF WATERTOWN**

Defendants.

**SECOND AFFIDAVIT OF JEFF
COLE IN SUPPORT OF RESPONSE
TO DEFENDANTS' STATEMENT OF
UNDISPUTED MATERIAL FACTS**

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF LINCOLN)

Jeff Cole, being first duly sworn on oath, deposes and states:

1. That this affiant is one of the attorneys representing Sioux Rural Water System, a non-profit corporation, in the above-entitled matter.

2. Attached hereto as Exhibit 1 is a true and correct copy of Kittleson's Addition within Watertown's "Future Use Map" circled in red ink.

3. Attached hereto as Exhibit 2 is a true and correct copy of the relevant portions of the Water Service and Voluntary Annexation Agreement highlighted in yellow.

4. Attached hereto as Exhibit 3 is a true and correct copy of the relevant portions of Rick Westbrook's deposition testimony and deposition Exhibit 5 highlighted in yellow.

5. Attached hereto as Exhibit 4 is a true and correct copy of the relevant portions of Jeff Deville's deposition testimony highlighted in yellow.

6. Attached hereto as Exhibit 5 is a true and correct copy of the relevant portions of Steve Burian's deposition testimony highlighted in yellow.

7. Attached here to as Exhibit 6 is a true and correct copy of the relevant portions of Steve Lehner's deposition testimony highlighted in yellow.

8. Attached hereto as Exhibit 7 is a true and correct copy of the relevant portions of Richard Wagner's deposition testimony highlighted in yellow.

9. Attached hereto as Exhibit 8 is a true and correct copy of the relevant portions of Darin Schriever's deposition testimony, including Exhibit 4 which was his Expert Report. Attached are the relevant portions of his report highlighted in yellow.

10. Attached hereto as Exhibit 9 is a true and correct copy of

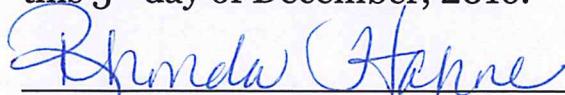
relevant portions of Steve Burian and Richard Wagner's Expert Report highlighted in yellow.

Dated this 5th day of December, 2016.



Jeff Cole

Subscribed and sworn to before me
this 5th day of December, 2016.



Rhonda J. Hahne
Notary Public - South Dakota
My Commission Expires: 07/08/2019

